

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

20351-20400

[Approved by the Acting Secretary of Agriculture, Washington, D.C., December 1, 1933]

20351. Misbranding of radium ointment. U.S. v. 11 Jars of Radium Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28366. Sample no. 9565-A.)

The product involved in this action was represented to be a radium preparation; the radium content of the article, however, was found to be negligible, any therapeutic effects resulting from its use being dependent upon other drugs present.

On June 9, 1932, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 jars of radium ointment, remaining in the original unbroken packages at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about May 5, 1932, by the Denver Radium Service, from Denver, Colo., to Norfolk, Va., and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that it consisted essentially of potassium carbonate, small proportions of isopropyl alcohol, quinine and volatile oils such as camphor, eucalyptol and menthol, soap, paraffin compounds, water, and a radioactive substance. The radium content was 13.4 millimicrograms per gram.

It was alleged in the libel that the article was misbranded in that its name, "Radium Ointment", was misleading, since it contained drugs other than radium, upon which drugs the therapeutic effect of the article would be dependent and not upon radium, since the radium content was negligible.

On November 10, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20352. Adulteration and misbranding of Or-Aid. U.S. v. 33 Packages of Or-Aid. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28954. Sample no. 4964-A.)

Examination of the drug product Or-Aid disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It also was claimed for the article that it would destroy germs and bacteria, whereas it would not destroy germs and bacteria when used as directed.

On September 27, 1932, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 33 packages of Or-Aid, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about June 16, 1932, by Warner's Renowned Remedies Co., from Minneapolis, Minn., to Milwaukee, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Or-Aid * * * Or-San Co., Minneapolis, Minn."

Analysis of a sample of the article by this Department showed that it consisted essentially of zinc chloride, zinc sulphate, boric acid, and water, colored

green and flavored with peppermint oil. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely: (Carton) "Destroys Germs"; (circular) "Destroys Germs * * * It is a germicide * * * since bacteria can be killed * * * by the use of Or-Aid."

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Carton) "Destroys Germs"; (circular) "Destroys Germs * * * It is a germicide * * * The formula contains * * * Emitine Hydro-chloride, * * * and germicidal oils * * * 'Bacteria are always present in the mouths of people from the first day of life. They develop and multiply wherever there is dead organic matter to decompose, together with warmth, moisture and darkness. The mouth offers the last three requirements for bacterial growth perfectly, and usually there is sufficient accumulation of food particles, stagnant saliva, mucous, and other material lodged between the teeth and coating both them and the tongue to furnish the dead organic matter on which the germs live. One milligram of the soft deposits scraped from the teeth of a person who keeps his mouth very clean will contain 6,000,000 bacteria, and when the teeth are allowed to get dirty and the bacteria can multiply undisturbed, this number rises until a milligram of deposit may contain 600,000,000 or more bacteria.' However, since bacteria can be killed * * * by the use of Or-Aid." Misbranding was alleged for the further reason that the following statements, regarding the curative or therapeutic effects of the article, appearing on the carton and bottle labels and in a circular shipped with the article, were false and fraudulent: (Carton) "Antitoxic * * * Pyorrhea preparation Destroys Germs, Heals Gums, Saves Teeth"; (bottle label) "Pyorrhea. Use as above until soreness of gums has sufficiently diminished to permit the dentist to clean and scale tartar from teeth * * * To prevent Pyorrhea, Or-Aid should be used as above at least twice a day, morning and evening. * * * Pyorrhea remedy * * * Antitoxic * * * For the Treatment of Pyorrhea, Trench Mouth, Bleeding Gums, Loose Teeth and Other Oral Infections * * * To Eradicate Pyorrhea"; (circular) "Pyorrhea Preparation * * * Antitoxic * * * Destroys Germs Heals Gums Saves Teeth * * * For the treatment of Pyorrhea, Trench Mouth, Bleeding Gums, Loose Teeth and other oral infections, the powerful * * * Pyorrhea Preparation, Or-Aid, is particularly effective. By its use great suffering and discomfort may be prevented and many teeth, which would otherwise have to be removed, may be saved. * * * Or-Aid destroys Pyorrhea and prevents it from making inroads on one of your most cherished possessions—your teeth. Or-Aid stimulates healthy tissues besides healing diseased tissue. It should be used daily when the mouth is free from infection to keep it in that healthy condition. It is indispensable when infection is present. * * * we recommend its use for Pyorrhea, Trench Mouth, Bleeding Gums and other oral infections. It is also fine for cuts, itches, minor skin infections * * * Pyorrhea—When the condition known as Pyorrhea has developed, the causes of the infection have penetrated deeply into the tissues and are present in large groups in pockets or recesses in the gums and around the teeth. * * * the simple technique involved in the administration of Or-Aid makes its use practical. The results being quick and satisfactory. * * * However, since * * * Pyorrhea prevented by the use of Or-Aid, why permit yourself to become a victim of it? The daily use of this powerful yet pleasant preparation will greatly minimize, if not wholly destroy chances of serious infection. Many dentists and laymen consider it an absolute preventive. * * * For the Dentist Pyorrhea * * * Trench Mouth (Vincent's Stomatitis)."

On November 15, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20353. Misbranding of Cow-Calf compound. U.S. v. The Froberg Remedy Co., and John W. Froberg. Case dismissed as to Froberg Remedy Co. Plea of guilty by John W. Froberg. Fine, \$200. (F. & D. no. 28127. I.S. nos. 15279, 24476.)

Examination of the drug preparation, Cow-Calf compound, disclosed that the article contained no ingredient or combination of ingredients capable of pro-